

Serial No. 10/738,412Docket No. SC65U-USREMARKS

Applicants respectfully traverse the Examiner's restriction for at least the following reasons.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be serious burden on the Examiner if restriction is not required.

Applicants respectfully submit that (1) the three groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.

The Examiner has not shown that examination of all the pending claims for an advanced glycation endproduct inhibiting or cleaving thiazole compound would require undue searching and/or place a serious burden on the Examiner, which is a requisite showing for proper issuance of a restriction requirement. In fact, applicants submit that to properly search any one group, other group classifications must be considered as well to perform a comprehensive search. In this application, the composition and methods of use are inter-related and when searching any one group, the other group would need to be searched for completeness.

Specifically in this case, is the restriction requirements not met. The cited class for all three groups is class 514 and the cited subclass is also the same, subclass 365. There is an additional class/subclass cited for Group I, but not for the other Groups. To search prior art in the same class and subclass cannot be deemed "undue diverse searching", especially when it would be more likely than not, that both would appear in a prior art document.

Applicants respectfully request that the claims of Group I directed to a composition comprising an advanced glycation endproduct inhibiting or cleaving thiazole compound and the

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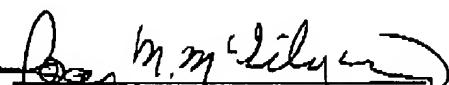
claims of Groups II and III, which are directed to methods of use for the composition, be examined together. There would not be a serious burden to search a product and a method of using the product. In fact, there would be overlap. At the very least, Group I and Groups II and III should be examined because the broad composition covered in Group I need only be searched. If the composition of Group I is found to be outside the prior art, then the method of using the compositions of Groups II and III would also be outside the prior art.

Accordingly, the applicants respectfully traverse the requirement for restriction at least on the grounds that examining the identified groups would not be unduly burdensome.

For the above reasons, it is respectfully requested that the Examiner rejoins Groups I, II and III because there is believed to be no undue or serious burden placed on the Examiner in a search of the art. It is believed that the elected claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

Respectfully submitted,

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